

ENTERED

October 18, 2021

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION****VICTOR VARGAS,****Plaintiff,****VS.****UNITED STATES OF AMERICA, *et al*,****Defendants.**§
§
§
§
§
§
§
§
§**CIVIL ACTION NO. 5:21-CV-20****ORDER**

Pending is the Magistrate Judge's Report and Recommendation (Dkt. 5) regarding the transfer of a prisoner civil rights case. Plaintiff Victor Vargas ("Plaintiff") seeks relief for various violations of his constitutional rights that he suffered while incarcerated at the Oakdale Federal Correctional Institution in Oakdale, Louisiana. (Dkt. 1.) Specifically, Plaintiff alleges medical neglect and seeks compensation for his injuries.¹ (Dkt. 5; *see also* Dkt. 1.) As the Magistrate Judge notes, the "events or omissions giving rise to the claim" occurred in the Western District of Louisiana, Lake Charles Division, and so the action could have been filed in that district. (Dkt. 5); *see also* 28 U.S.C. § 1391(b) ("A civil action may be brought in . . . a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred . . ."). After reviewing the facts of the case, the Magistrate Judge concluded that the Southern District of Texas was not the proper venue for this action, and recommended the case be transferred pursuant to 28 U.S.C. § 1406(a). (Dkt. 5.)

¹ The Plaintiff's Complaint (Dkt. 1) included, as an attachment, the administrative appeal of his Compassionate Release Motion that was filed with the Bureau of Prisons. (Dkt. 1, Attach 8 at 4-5.) For the sake of clarity, the Court notes that the Laredo Division of the Southern District of Texas, is the appropriate venue for Plaintiff's motions pursuant to 18 U.S.C. § 3582. Accordingly, the Court is the proper venue for Plaintiff's Motion for Modification of Sentence—Compassionate Release (Dkt. 211 of Case No. 5:15-cr-285-1).

The Plaintiff has been duly noticed regarding the filing of objections, and the applicable 14-day timeframe for the filing of objections has lapsed. Noting that no objections have been filed, and having now reviewed the matter as provided by 28 U.S.C. § 636, the Court concludes that the Report and Recommendation (Dkt. 5) should be and is hereby ACCEPTED. Plaintiff's case is TRANSFERRED to the Lake Charles Division of the Western District of Louisiana.

The Clerk of the Court is DIRECTED to TRANSFER this case to the Lake Charles Division of the Western District of Louisiana, pursuant to 28 U.S.C. Section 1406(a), and then TERMINATE all pending motions and TERMINATE the case.

The Clerk of the Court is further DIRECTED to mail Plaintiff a copy of this Order by any receipted means at the address indicated in his most recent filing. The Plaintiff is advised to file all further pleadings related to this case in the Western District of Louisiana, Lake Charles Division, after he has been notified of the new case number assigned to this civil action.

IT IS SO ORDERED.

SIGNED this 18th day of October, 2021.

A handwritten signature in black ink, appearing to read 'D Saldaña', is written over a horizontal line.

Diana Saldaña
United States District Judge